

HJR 44 -- Judicial Commissions

Sponsor: Cox

Upon voter approval, this proposed constitutional amendment changes the laws regarding the Appellate Judicial Commission and circuit judicial commissions. The resolution increases from three to five the number of judicial candidates nominated by the Nonpartisan Judicial Commission for a vacancy in the office of judge of specified courts from which the Governor may make an appointment. The Governor may veto the first list of candidates submitted by notifying the commission within 60 days. If the panel of judicial candidates is vetoed, the commission must submit a second list of nominees. The Governor must choose a candidate from the first or second list within 60 days or the commission must appoint one of the nominees from the second list.

The resolution also changes the composition of nonpartisan judicial commissions. The membership of the Appellate Judicial Commission is changed to consist of:

- (1) Three members of the Missouri Bar, each a resident from a different court of appeals district, selected by the members of the Missouri Bar from each district;
- (2) Three citizens who are not members of the bar nor the spouse of a bar member, each a resident from a different court of appeals district, appointed by the Governor; and
- (3) One citizen who is not a member or the spouse of a bar member, from anywhere in the state, appointed by the Governor.

The membership of a circuit judicial commission is revised to consist of two attorney members elected by the Missouri Bar members residing in the judicial circuit and three citizens residing in the judicial circuit appointed by the Governor who are not bar members nor the spouse of a bar member. The term of all members of the judicial commissions will be four years.

Each appointment to the Appellate Judicial Commission and circuit judicial commissions is subject to the advice and consent of the Senate within 30 legislative days of the appointment by the Governor. A governor first taking office has the authority to remove, within 60 days of taking the oath of office, any member appointed by a preceding governor, but not the members elected by Missouri Bar members, and to appoint a replacement.

The judicial selection process must promote openness and public access. All hearings, debates, and votes of the commissions must be open to the public and to the press with no less than 72 hours

public notice given before each meeting. The list of applicants for any judicial vacancy must be a public record with their names posted on the website of the Missouri Supreme Court, and all information available to the respective commissions on the judicial candidates must be made available to the Governor. Every applicant nominated will be subject to a background check, including a criminal check, which will not be a public record, but available only to the commissions and the Governor. Commission deliberations regarding the final list of nominees may be closed.

The resolution transfers the responsibility for the approval of expenses incurred in the administration of the judicial selection plan from the Missouri Supreme Court to the Commissioner of the Office of Administration.